

## Message Text

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ACTION IO-13

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E.O. 11652: N/A

TAGS: UNIDO, OCON

SUBJECT: FOURTH SESSION OF THE INTERGOVERNMENTAL COMMITTEE OF THE  
WHOLE ON UNIDO STATUTES, VIENNA NOVEMBER 2-15, 1976

REF: (A) STATE A 2950, (B) STATE 76450

1. FOLLOWING IS LIST OF STILL UNAGREED POINTS RELATING  
TO PREAMBLE AND ARTICLES 1 AND 2 OF THE NEW UNIDO STATUTES  
ON WHICH USDEL TO IGC-IV SHOULD HAVE FURTHER GUIDANCE.  
WOULD BE DESIRABLE TO RECEIVE SUCH GUIDANCE BY OCTOBER 28  
WHEN INFORMAL WORKING PARTY OF GROUP B MAY MEET TO  
REVIEW IN DETAIL POSITIONS TO BE TAKEN ON UNAGREED PROTIIONS  
OF TEXTS OF THESE SECTIONS OF THE DRAFT STATUTES IN  
PREPARATION FOR RESUMPTION OF DISCUSSIONS IN AD HOC DRAFTING  
GROUP TO WHICH THESE WERE REFERRED AT IGC-III.  
PARA REFERENCES ARE TO TEXT CONTAINED IN ANNEX I A/AC.180/7 -  
RESUME OF IGC-III.

2. PREAMBLE: (A) CAN USDEL AGREE TO INCORPORATING APPROPRIATE  
REFERENCES TO THE "PRINCIPLES ENUNCIATED" BY GA SS-6 AND SS-7  
AND THE LIMA CONFERENCE, TO NIEO AND TO CERDS (SECOND AND  
THIRD PARAS). WE HAVE THUS FAR BEEN UNSUCCESSFUL IN PERSUADING  
THE G-77 THAT REFERENCES TO "PRINCIPLES" VOTED IN UN MEETINGS  
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WHICH MAY REFLECT TRANSITORY CIRCUMSTANCES HAVE NO PLACE IN

AN AGENCY CONSTITUTION, PARTICULARLY WHEN THESE "PRINCIPLES" HAVE BEEN OBJECTED TO BY IMPORTANT MEMBER COUNTRIES. IF DEPARTMENT IS PREPARED ACCEPT SUCH REFERENCES WE ASSUME USDEL SHOULD BE GUIDED BY REF A, IN THIS CONNECTION IT MIGHT BE NOTED THAT PROPOSED REFERENCE TO CERDS WAS INTRODUCED BY GROUP D. IT DID NOT APPEAR IN THE ORIGINAL G-77 DRAFT, BUT IS OF COURSE ACCEPTABLE TO THEM. (B) DOES THE DEPARTMENT HAVE STRONG FEELINGS AS BETWEEN A DECLARATION THAT "IT IS NECESSARY TO ESTABLISH A JUST AND EQUITABLE ECONOMIC AND SOCIAL ORDER" (PROPOSED BY G-77) AND A TEXT (GROUP B PROPOSAL) WHICH WOULD REFER TO THE NECESSITY TO ESTABLISH A "MORE JUST AND MORE EQUITABLE ECONOMIC AND SOCIAL ORDER" (FOURTH PARA). (C) WE ASSUME USDEL SHOULD CONTINUE TO INSIST THAT ANY SPECIFIC REFERENCE TO THE SOVEREIGN RIGHT OF COUNTRIES "TO MAKE THE NECESSARY CHANGES TO ENSURE THE JUST AND EFFECTIVE PARTICIPATION OF THEIR PEOPLES IN INDUSTRY" (SEVENTH PARA) SHOULD BE QUALIFIED BY AN APPROPRIATE REFERENCE TO INTERNATIONAL LAW OR INTERNATIONAL OBLIGATIONS OR SOMEHOW SUITABLY REWORDED. (D) GROUP B HAS OBJECTED TO THE STATEMENT (EIGHTH PARA) THAT INTERNATIONAL COOPERATION FOR DEVELOPMENT IS THE "COMMON DUTY" OF ALL COUNTRIES. IT, OF COURSE, HAS NO DIFFICULTY WITH REFERENCES TO THE NEED FOR INTERNATIONAL COOPERATION, ETC. DOES THE DEPARTMENT HAVE ANY STRONG FEELINGS ON THIS POINT? (E) NINTH PARA REFERS TO SECURING FOR THE DEVELOPING COUNTRIES "THEIR RIGHTFUL SHARE IN TOTAL WORLD INDUSTRIAL PRODUCTION" GROUP B HAS OBJECTED TO THE NOTION OF A "RIGHTFUL SHARE" ON THE GROUNDS THAT IT IS NOT SUSCEPTIBLE OF DEFINITION AND IS A POLITICAL RATHER THAN AN ECONOMIC CONCEPT. WE ASSUME DEPARTMENT WOULD PREFER SOME SUCH REFERENCE AS "AN INCREASED SHARE IN TOTAL WORLD INDUSTRIAL PRODUCTION CONSONANT WITH THE ENDOWMENTS AND COMPARATIVE ADVANTAGES ENJOYED BY THE DEVELOPING COUNTRIES." HOW STRONGLY DOES THE DEPARTMENT WISH USDEL TO ARGUE THIS POINT?

3. ARTICLE 1: OBJECTIVES - G-77 HAS CONTINUED TO INSIST THAT "THE PRIMARY OBJECTIVE OF THE ORGANIZATION LIMITED OFFICIAL USE

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SHOULD BE THE PROMOTION AND ACCELERATION OF INDUSTRIAL DEVELOPMENT IN THE DEVELOPING COUNTRIES WITH A VIEW TO ASSISTING IN THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER." (FIRST PARA). GROUP B HAS RESISTED HIGHLIGHTING ESTABLISHMENT OF NIEO AS A BASIC OBJECTIVE OF THE ORGANIZATION. WE ASSUME USDEL SHOULD CONTINUE TO SUPPORT THIS GROUP B POSITION.

G-77 TEXT GIVES SECOND PLACE TO PROMOTING INDUSTRIAL DEVELOPMENT AND COOPERATION ON A GLOBAL BASIS. THIS HAS BEEN OBJECTED TO BY GROUP B WHICH HAS ARGUED THAT THE ORDER OF PRECEDENCE SHOULD BE THE OTHER WAY AROUND (IN ACCORDANCE WITH PARA 4 REF B). HOWEVER, SINCE USDEL WAS ALSO AUTHORIZED TO ACCEPT TEXT III AS QUOTED IN PARA 1 REF B WE ASSUME WE CAN GO EITHER WAY ON THIS POINT.

#### 4. ARTICLE 2 - FUNCTIONS -

(A) GROUP B HAS OBJECTED TO G-77 TEXT FOR THE CHAPEAU OF THIS ARTICLE WHICH READS "IN ACCORDANCE WITH THE PRINCIPLES ESTABLISHED IN THE PREAMBLE." WE ASSUME THAT WE SHOULD CONTINUE TO SUPPORT THIS OBJECTION SO LONG AS THE PREAMBLE CONTAINS REFERENCES TO PRINCIPLES ENUNCIATED BY GA SS-6, LIMA OR CERDS, EVEN IF SUCH REFERENCES ARE IN LANGUAGE INDICATED AS ACCEPTABLE IN REF A, IN ORDER TO AVOID ANY DIRECT LINK OF THE BODY OF THE CONSTITUTION TO SUCH PREAMBLE.

(B) SUB-PARA (J) - G-77 HAVE INSISTED ON SEPARATE LISTING OF "LEAST DEVELOPED, LAND-LOCKED AND ISLAND DEVELOPING COUNTRIES" AS DESERVING SPECIAL ATTENTION BY THE ORGANIZATION. OUR RECOLLECTION IS THAT US HAS GONE ALONG WITH SUCH LISTING IN UNCTAD RESOLUTIONS. IS THE DEPARTMENT PREPARED TO ACCEPT IT IN THIS INSTANCE?

(C) SUB-PARA (G) - ARGUMENT DEVELOPED AT IGC-III OVER G-77 TEXT WHICH WOULD CALL ON UNIDO TO ASSIST LIMITED OFFICIAL USE

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LDC'S IN THE ESTABLISHMENT AND OPERATION OF INDUSTRIES "TO ENSURE THE FULL UTILIZATION OF LOCALLY AVAILABLE NATURAL...RESOURCES." GROUP B FELT THAT ACQUIESCENCE TO SUCH LANGUAGE COULD BE READ AS ENDORSEMENT OF LOCAL BENEFICIATION AND OTHER PROCESSING OF NATURAL RESOURCES EVEN ON UNECONOMIC BASIS AND WOULD INTRODUCE UNNECESSARY BIAS AGAINST EXPORTATION OF UNWORKED NATURAL RESOURCES. HOWEVER, VARIOUS GROUP B ALTERNATIVE FORMULATIONS SUCH AS "IN ORDER TO PROMOTE THE FULL UTILIZATION" WERE REJECTED BY G-77 NEGOTIATORS. DOES THE DEPARTMENT HAVE ANY STRONG VIEWS ON THIS POINT?

5. SEPTTEL ADDRESSES OTHER ISSUES ON WHICH USDEL WILL REQUIRE FURTHER GUIDANCE. STIBRAVY

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